

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**ORDER ON JURY EVIDENCE
RECORDING SYSTEM (JERS)**

**ADM-1
ORDER 11-4**

ORDER

Effective September 1, 2011, the court will make available a new method of presenting evidence to a deliberating jury using the Jury Evidence Recording System (JERS). The following procedures shall apply to all cases after the effective date of this order:

1. The parties shall indicate their respective positions on the use of JERS at trial as follows:

(a) Civil Cases: In the final pretrial statement filed pursuant to LR 16.2;

(b) Criminal Cases: Unless a party requires more advance notice, in a notice filed at least seven (7) days prior to trial.

2. The presiding judge will determine, either sua sponte or on request of the parties, whether JERS will be used in a particular jury trial. The below requirements apply only if the court orders or approves the use JERS in a specific case.

3. Unless otherwise ordered by the court, on the date established by the local rules for the submission of trial exhibits in civil (LR 83.13) and criminal (LCrR 16.1(g)) cases, the parties shall submit their exhibits conventionally (e.g. in paper format) as well as in electronic format that strictly conforms with naming and submission instructions on the court's website.

4. To the extent possible, the parties should endeavor to have an electronic copy of any unlisted exhibits that may be used to impeach a witness during trial.

5. Exhibits that cannot be reduced to electronic format, such as large physical exhibits, need not be submitted electronically for entry into JERS.

6. Before the jury begins to deliberate, the parties will confer with the courtroom deputy and will agree on the exhibits that will be released to the jury through JERS and what

restrictions, if any, may apply (e.g. audio only, video only). Any disagreement will be resolved by the presiding judge.

7. To maintain the integrity of the deliberation process, no court personnel will enter the jury room once deliberations have commenced without the court's permission. Any request by the jury for technical assistance will have to be made in writing and presented to the attorneys for their consideration and to the court for approval before any court staff member will be permitted to assist the jurors. In the event court staff must assist with a technical problem, jurors will be escorted to another room while court staff resolves the problem.

8. Unless ordered by the court, the use of JERS does not supersede the local rule requirements to produce exhibit lists and exhibits in paper format. LR 83.13 (civil cases); LCrR 16.1(g) (criminal cases).

SO ORDERED.

Dated: June 15, 2011

A handwritten signature in black ink, appearing to read "Steven J. McAuliffe", written over a horizontal line.

Steven J. McAuliffe
Chief Judge